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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/723,370	GROSS ET AL.
	Examiner	Art Unit	
	Lamont M. Spooner	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 October 2007</u>.

2a)☒ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>83-103</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>83-103</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Introduction

1.   This office action is in response to applicant's submission filed

10/10/07. Claims 83-103 are currently pending and have been examined.

Applicant's IDS filed 10/3/07 and 7/11/07 have been considered.

Response to Arguments

2.   Applicant's arguments filed 10/10/07 have been fully considered but

they are not persuasive. More specifically, applicant's arguments regarding

claims 88, 89 and 97, "Ishikawa does not show separate files for the two

separate dictionaries." The Examiner cannot concur. Dictionary 1 is a file

without a supplemental dictionary. Dictionary 2 is interpreted as the

supplemental file, or dictionary 1 with dictionary 2, in both cases they are a

different electronic file, by any interpretation, in which case either dictionary

1 can be used separately or dictionary 2 **can** (as claimed) be used,

separately, see rejection below.

3.   Applicant's arguments with respect to claims 83-87, and 96 in light of

Cohen have been considered but are moot in view of the new ground(s) of

rejection.

4.   In response to applicant's arguments against the references

individually, claims 90, 91, 93, 98 and 99, one cannot show

nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986). More specifically, with respect to applicant's

arguments regarding Russell-Falla, it is the combination of Cohen with

Bradshaw with Russell-Falla which produces applicant's claimed elements,

wherein between the three references, all the limitations are met, wherein

the Examiner does not rely on Russell-Falla, for the "present claims", it is

the combination the Examiner relies upon, see the rejection below.

5.   In response to applicant's argument regarding the combination of

Rayson and Cohen, claims 94, 95, and 100-103, the Examiner notes, the

motivation is directly supplied in Rayson's summary, as the both Cohen

and Rayson **provide word filters**, which interprets/fits clearly into

appropriateness, and Rayson provides the benefit of scanning, based on

indications related to time intervals, for the filtering/corrections, (see

previous rejection), wherein Rayson explicitly teaches as text is typed into a

document, which, by modifying Bradshaw with Cohen, will provide the

applicant's claimed invention, wherein immediately after a word is entered,

into Cohen, the word is inspected, as taught by Rayson, see rejection

below.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 83-87, 92 and 96 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Cohen (US 5,796,948) in view of Bradshaw et al.

(Bradshaw, US 5,835,722).

As per **claim 83 and 96**, Cohen teaches a method of permitting an

author of an electronic mail (email) message to check text content using an

electronic text editor program operating on a computing system, the

method comprising:

(a) selecting a language filter for checking words in the email

message (C.3.lines 32-34), which language filter includes a first set of

words that could be offensive and/or potentially inappropriate for use in

connection with an intended recipient of the email message (ibid, C.4.lines 19-21-as his electronic dictionary-claim 96); and

(b) receiving input words entered by the author as text for the email message (C.3.lines 44-46);

(c) inspecting said input words to determine if they fall within said language filter (C.3.lines 58-63);

(d) alerting the author when one or more of said input words fall within said language filter (C.4.lines 42, 43);

(e) permitting the author to change words within the email message after step (d) and before the email message is transmitted to said intended recipient (C.4.line 42-66); and

wherein the author of the email message can direct that the email message be transmitted even if the words in such email message still fall within said language filter (ibid, interpreted as the author still directing to send the message be transmitted, despite the undeliverable message).

Cohen lacks teaching wherein the author of the email message can cause the email message to be transmitted by the computing system to said intended recipient even if the words in such email message still fall within said language filter.

However, Bradshaw teaches the above lacking limitation, wherein the author ...even if words... (C.2 lines 57-67-screen production of email, C.3 lines 10-34, C.4 lines 18-21, Bradshaw explicitly teaches giving supervisory control to the screening of content to a user, libraries, and sent content, including a supervisor, see abstract. Thus, the user/supervisor may screen for content, and possess the ability to send the content, see C.4 lines 18-21 which discuss offensive content sent via email, as within the supervisory powers of the author, C.9 lines 34-36 allow the user content screening, yet allow the user to continue with the transmission of the content with only a warning).

Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Cohen's supervisory parameter control of email content with Bradshaw's parameter control of email content and transmission thereof, providing the benefit of allowing an email continued operation of the system, with the user notified by warning of inappropriate content (Bradshaw, C.9 lines 34-36), thus at the users discretion the email may be sent, allowing the user to send a message, wherein the content may be deemed inappropriate by a single word,

however, possible the word is appropriate in view of the user, and the user

would have been forewarned.

As per **claim 84**, Cohen and Bradshaw make obvious claim 83.

Cohen further teaches wherein said language filter includes obscene,

vulgar and/or racist words found in a first pre-programmed dictionary

created without input form the author (C.4.lines 19-21-his defined profanity

substrings, and instring functions).

As per **claim 85**, Cohen and Bradshaw make obvious claim 83.

Cohen further teaches providing a highlighting of any words which are

determined to fall within said language filter along with an accompanying

visual warning (C.4.lines 30, 31-his bracketing).

As per **claim 86**, Cohen and Bradshaw make obvious claim 83.

Cohen further teaches identifying a language filter to the author which was

triggered during step (d) (C.4.lines 36-38-his profanity message).

As per **claim 87**, Cohen and Bradshaw make obvious claim 83.

Cohen further teaches a step (f): checking one or more additional electronic

message files according to steps (a) through (d) (C.4.lines 42, 43).

As per **claim 92**, Cohen and Bradshaw make obvious claim 83.

Cohen further teaches wherein steps (a) through (e) are implemented as a

software routine in a machine readable form executable by a personal

computer (C.5.lines 28-31).

8.   Claims 88, 89 and 97 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cohen in view of Bradshaw, as applied to claim 83

above, and further in view of Ishikawa (US 5,812,863).

As per **claims 88 and 89**, Cohen and Bradshaw make obvious claim

83, but Cohen lacks including a step (f): checking spelling of the email

message, and further lack wherein said language filter includes a second

dictionary with foreign language words.

However, Ishikawa teaches checking spelling (C.3.lines 45-51), and a

dictionary with foreign language words (Fig. 5), which second dictionary is

part of a second electronic file which is separate from a first electronic file

used for said first set of words and can be considered separately from said

first electronic file (C.4.-Ishikawa provides a second electronic dictionary

file, from stored in a memory, the second file separate from the first file,

and is used as a supplemental dictionary, therefore, at the time a first

dictionary is used it is considered separately, inherently defining a

separation of consideration between the two dictionaries/files, thus **can be**

considered separately). Therefore, at the time of the invention, it would

have been obvious to modify Cohen's email message (document) with spell

checking and language filter for foreign language words. The motivation for

doing so would have been to have correct spelling and improper foreign

language words (C.8.line 66-C.9.line 27).

As per **claim 97**, Cohen and Bradshaw make obvious claim 96, but

lacks teaching wherein said language filter includes at least a first

dictionary and a second separate dictionary, and said alert includes an

indication of which of said first dictionary or said second dictionary was

triggered by said alert.

However, Ishikawa teaches said language filter includes at least a

first dictionary and a second separate dictionary, and said alert includes an

indication of which of said first dictionary or said second dictionary was

triggered by said alert (Fig. 5 and Fig. 6-his slang dictionary, C.19.lines 51-

54). Therefore, at the time of the invention, it would have been obvious to

modify Cohen's dictionary with two independent dictionaries. The

motivation for doing so would have been identify the dictionary for the

correction (Fig. 6-slang, ex. vulgar, standard).

9.   Claims 90, 93, 91, 98 and 99 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Cohen in view of Bradshaw, as applied to claim 83

above, and further in view of Russell-Falla et al. (Russell-Falla, US

6,675,162).

As per **claims 90 and 91**, Cohen and Bradshaw make obvious claim

83, but Cohen lacks teaching wherein an author is alerted during step (d)

only if a sensitivity threshold specified by the author is exceeded, and

wherein said sensitivity threshold is specified as a numerical value ranging

from 1 to 10.

However, Russell-Falla teaches wherein an author is alerted only if a

sensitivity threshold specified by the author is exceeded (C.5.lines 34-51,

abstract). The Examiner takes Official notice that a sensitivity threshold can

have a range of numerical values. Therefore, at the time of the invention, it

would have been obvious to modify the combination of Bradshaw with

Cohen's language filter with a threshold specified by an author, wherein the

threshold has a range (such as 1-10). The motivation for doing so would

have to allow user designate a threshold to filter content (ibid, abstract).

As per **claims 93 and 98**, claims 93 and 98 set forth limitations

similar to claim 83 and 91, and are thus rejected for the same reasons and

under the same rationale.

As per **claim 99**, Cohen, Bradshaw and Russell-Falla make obvious

claim 98, Russell-Falla also teaches wherein said sensitivity threshold is

used during a check of individual words in said language filter (C.5.lines 65-

67, abstract-his email).

10.   Claims 94, 95, and 100-103 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Cohen in view of Bradshaw, and further in view of

Rayson et al. (Rayson, US 5,761,689).

As per **claims 94, 95, 100, 101, 102, and 103**, claims 94, 95, 100

and 102, set forth limitations similar to claim 83, and are thus rejected for

the same reasons and under the same rationale. Cohen lack inspecting

said input word substantially immediate in time after it is entered to

determine if it falls within said language filter (claims 94 and 100), and

further lack inspecting said input words during idle periods when the author

is not interacting with said electronic text editor program to determine if

such input words fall within said language filter (claims 95 and 102).

However, Rayson teaches inspecting said input word substantially

immediate in time after it is entered (wherein said input word is checked

before the author has entered another input word-claim 101), and further

teaches inspecting said input words during idle periods when the author is

not interacting with said electronic text editor program (C.2.lines 12-24-his

automatic as immediate and delimiting as before the user enters another

word-claim 100, 101, C.3.lines 24-31-as his spell check, and language

filtered as misspellings are interpreted as inappropriate for use in

connection with an intended recipient of an email message-claims 102,

103). Therefore, at the time of the invention, it would have been obvious to

modify Bradshaw with Cohen's language filter with an immediate or after an

idle period scan of the words to be filtered. The motivation for doing so

would have been to automatically scan an entry either immediately as input

or after an idle period, for correction (see summary).

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE**

FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to

expire THREE MONTHS from the mailing date of this action. In the event a

first reply is filed within TWO MONTHS of the mailing date of this final

action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571/272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is

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USPTO Customer Service Representative or access to the automated

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1000.

lms
11/26/07

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